

**MINUTES OF THE
CITY PLANNING COMMISSION
APRIL 7, 2006
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:11 a.m.

Commission Members:

Present: Caleb Faux, James Tarbell, Terry Hankner, and Jacquelyn McCray

Community Development and Planning Staff: Margaret Wuerstle, Denise Faris, Bonnie Holman, Caroline Kellam, Katherine Keough-Jurs, Steve Briggs, Rodney Ringer, and Felix Bere.

Law Department:

Julia Carney

SPECIAL NOTE

Mr. Faux noted the passing recently of two men who were very important in the field of planning, Sam Noe and Robert Manley.

APPROVAL OF MINUTES

Submission of the minutes from the March 17, 2006 Planning Commission meeting for approval.

Motion:	Ms. Hankner moved approval of minutes.
Second:	Ms. McCray
Ayes:	Mr. Faux, Mr. Tarbell, Ms. Hankner, Ms. McCray
Nays:	None, motion carried

CONSENT ITEMS

- | | |
|----------------|--|
| ITEM #1 | A report and recommendation authorizing the City Manager to enter into a Lease Agreement with Frisch Ohio, Inc. for property on Central Parkway not needed for any municipal purpose during the term of the lease. |
| ITEM #2 | A report and recommendation authorizing the sale of a portion of Latham Avenue between Wyoming Avenue and Red Crest Drive, which real property is no longer needed for any municipal purpose. |
| ITEM #3 | A report and recommendation authorizing the sale of 1924 Auburn Avenue, which real property is no longer needed for any municipal purpose. |
| ITEM #4 | A report and recommendation authorizing the sale of a portion of Marquis Street in Walnut Hills, which real property is no longer needed for any municipal purpose. |

Motion: Ms. Hankner moved approval of Consent Items #1 - #4.
Second: Ms. McCray
Ayes: Mr. Faux, Mr. Tarbell, Ms. Hankner and Ms. McCray
Nays: None, **motion carried**

DISCUSSION ITEMS

ITEM #5 A report and recommendation on the draft Burnet Avenue Urban Renewal Plan.

Ms. Caroline Kellam, Senior City Planner presented this report.

BACKGROUND:

Two years ago, the Avondale Community Council and the Uptown Consortium hired private consultants to prepare the Burnet Avenue Revitalization Strategy plan. The draft plan is complete and the Avondale Community Council is requesting that the plan be adopted as an urban renewal plan.

URBAN RENEWAL AREA:

The proposed urban renewal area is situated in the middle of the Avondale statistical neighborhood. The proposed study area is bounded approximately by Forest Avenue to the north; Harvey Avenue to the east; Erkenbrecher Avenue to the south; and Wilson to the west.

The City Planning Commission approved the Urban Renewal Plan study boundary on November 4, 2005.

The Office of Architecture and Urban Design in the City's Department of Transportation and Engineering conducted an eligibility study (blight study) for the area in accordance with Chapter 725 of the CMC. The study concludes that the number, degree, and distribution of factors documented in the report warrant the designation of the area along Burnet Avenue bounded by Forest, Harvey, Erkenbrecher and Wilson Avenues as a "Blighted Area" pursuant to Chapter 725 of the CMC. A summary of this study is included in the draft plan document.

PLAN OVERVIEW:

The draft plan was developed out of a community based planning process where the Burnett Avenue Revitalization Team (BART) served as the steering committee and advisors for the planning process. Early in the process, the consultant team worked with BART to identify key stakeholders such as major institutions, neighborhood leaders, local developers, residents, homeowners, local businesses and others. Workshops and a community charette were held for residents, business owners and stakeholders during the planning process. A series of meetings between the consultant and BART were held over a period of two years. Overall the revitalization strategy addresses the desire for new retail, new infill housing, new office space, new public spaces, additional parking and the need to address safety concerns. Some of the preliminary recommendations are as follows:

1. To make Burnet Avenue a unique urban place with an active and safe street life, including a range of new retailing opportunities where people will choose to live and work,
2. Provide new housing choices for residents,
3. Target programs for home improvement and home ownership within the neighborhood,
4. Seek a new unique identity that will enable Burnet Avenue to become known for special retailing experiences unlike those of many of its nearby competitors,
5. Establish a low income tax credit and/or a new markets tax credit fund(s),
6. Redevelop the site between Hickory and Rockdale with mixed-income replacement housing,

7. Develop a feasibility study for re-use of the building at the SW corner of Rockdale and Burnet,
8. Develop a large mixed-use development, which includes housing, parking and retail along Burnet Avenue,
9. Undertake a marketing study for new housing.

COMMUNITY INVOLVEMENT:

On January 4, 2006, City staff held a public informational meeting in Avondale and invited all the property owners within the Burnet Avenue Urban Renewal study boundary and the Avondale Community Council. Uptown Consortium made a presentation of the plan and then questions and comments were taken. There was no one in opposition to the plan in attendance.

COORDINATED CITY PLAN:

The Burnet Avenue Urban Renewal Plan conforms to the following goals and policies of the Coordinated City Plan, Volume 2: Strategies for Comprehensive Land Use, 1980:

1. Promote economic development and stabilize communities by planning for the retention, revitalization and in some cases the expansion of commercial land uses.
2. Promote the stability of communities by planning for new residential land use as well as for the retention and rehabilitation of existing residential land uses.

ADDENDUMS TO THE DRAFT PLAN DATED APRIL 2005:

Since the City of Cincinnati was not involved in the preparation of this draft plan, it is standard procedure to circulate the draft plan to various city departments for comments. The plan was circulated twice and two meetings have been held with city staff from the Department of Transportation and Engineering, Parks, and Waterworks. Attached to the plan are both the comments from those city departments that responded and two addendums to be reviewed and approved as part of this draft plan.

IMPLEMENTATION:

The implementation plan is divided into five phases listed below:

- Phase 1 includes the area along Burnet bounded by Erkenbrecher, Harvey, Northern and Burnet.
- Phase 2 includes the area along Burnet bounded by Northern, Harvey, Rockdale and Burnet.
- Phase 3 includes the area along Burnet bounded by Rockdale, Harvey, Forest and Burnet.
- Phase 4 includes the area along the east side of Wilson between Northern and Rockdale.
- Phase 5 includes the remaining residential areas along Hearne, Northern, Erkenbrecher, Rockdale and Forest.

These five phases will be implemented over several years.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommends that City Planning Commission take the following action:

Adopt the draft Burnet Avenue Urban Renewal Plan, dated April 2005 with the attached Addendum 1 and Addendum 2.

DISCUSSION:

Ms. Kellam gave a brief background of Burnet Avenue Revitalization Strategy Plan and how it progressed and grew to become the Burnet Avenue Urban Renewal Plan. She distributed copies of the Avondale Community Council meeting minutes from May 17, 2005, the Burnet Avenue Revitalization Strategy and the Eligibility/Blight Study to the Commission members. Ms. Kellam also provided a map to illustrate the boundaries included in the plan. Since staff were not involved in the preparation of the

plan, Ms. Kellam reviewed the steps that were taken to enable them to familiarize themselves with the plan and to make a recommendation. She mentioned the addendums and the fact that some of the items in the plan may not work without some changes. Staff made suggestions in the addendums, regarding possible zone changes. However, these matters would need to be addressed, in the future, on a case-by-case basis.

Ms. Kellum stated that in the past two days, staff had received correspondence opposing this plan. She provided copies of the correspondence to the Commission members.

Ms. McCray asked why the RMX portion to the south was included in the plan and the other RMX portions were not.

Jim King, of the Avondale Corporation addressed this question and he stated that the area was limited due to the amount of blight and desire of community council to limit the scope of the plan.

Curtis Wells, questioned the process that was used by the Avondale Community Council to draft the Burnet Avenue Urban Renewal Plan. He presented documents to the Commission members that he felt supported his opposition. He stated that the Urban Renewal Designation is being confused with the Burnett Avenue Revitalization Strategy. Also there is an Institutional Boundry Agreement with the community that states that none of the institutions would expand north of Erkenbrecker. He requested that the Commission not approve the draft plan and instead begin an investigation of the events and then hold a special hearing.

Ms. Wuerstle explained that she had tried to find a copy of the Institutional Boundry agreement and that all she could find was an agreement between the zoo and the Community Council. She confirmed with the Law Department that no such agreement existed between the City and the institutions. Mr. Fulton Jefferson with the Avondale Community Council confirmed that the only agreement that existed was the one between the Community Council and the Cincinnati Zoo.

Mr. Faux clarified that the Commission has no jurisdiction over activities of the Avondale Community Council.

Ms. McCray asked why Mr. Wells had a number of maps with different boundaries, all purportedly showing the Burnet Avenue Urban Renewal Plan.

Ms. Kellum answered that the map that was displayed at the meeting and included in the Commissioners packets, was the one Avondale Community Council presented to the city.

Mr. Fulton Jefferson, Avondale Community Council Trustee, explained the rational used to develop the Urban Renewal Plan.

Mr. Jim King further clarified the process used by the Community Council to establish the boundaries presented in this draft. This process included additional areas being added to the original Revitalization Plan area in order to qualify for an urban renewal designation.

Mr. Faux reiterated that the item being addressed had nothing to do with zoning changes.

Motion: Mr. Tarbell moved approval of Item #5.

Second: Ms. Hankner
Ayes: Mr. Tarbell, Mr. Faux, Ms. McCray and Ms. Hankner
Nays: None, **motion carried**

Mr. Faux then stated that there was a request by Mr. Wells for a special investigation and special meeting. He asked the Commission if they felt there was a need for a special meeting. It was the consensus of the Commission that there was no need for a special meeting.

ITEM #6 Proposed text amendment to §1419-21. Limited or Full Service Restaurant. Proposed text amendment to §1425-19-A. Off Street Parking and Loading Requirements.

Ms. Margaret Wuerstle, Chief Planner, presented this item.

NOTE:

Item #6 and Item#7 were discussed concurrently.

PURPOSE:

To obtain input and direction from the Planning Commission on zoning text as it relates to the 2000 square foot parking exemption for commercial uses.

PROPOSED TEXT AMENDMENT:

SECTION 1. That Schedule 1425-19-A of Chapter 1425 of the Cincinnati Zoning Code is hereby amended to read as follows:

Schedule 1425-19-A: Off-Street Parking and Loading Requirements

Use Classifications	Required Parking (Sq. Ft. of Floor Area)	Loading User Group
Residential Uses		
Bed and breakfast home	2 for every dwelling, plus 1 for every guest room	
Child day care home	No additional spaces required	
Group residential	1 for every 2 residents	
Permanent residential		
Single-family		
SF-4, SF-6, SF-10, SF-20	2 for every unit	
SF-2, RM, O, C, M, RF-R and IR	1 for every unit	
Attached single-family	1 for every unit	
Rowhouse single-family	1 for every unit	
Two-family	1 for every unit	
Multi-family		
RM2.0, RM1.2, OL	1.5 for every unit	
RM0.7, OG, C, M, RF-R and IR	1 for every unit	
Residential care facilities		
Assisted living	1 for every 4 residents	
Developmental disability dwelling	1 for every 4 residents	

Nursing home	1 for every 4 residents	
Special assistance shelters	1 for every 3 employees plus 1 for every facility vehicle	
Transitional housing	1 for every facility plus 1 for every 8 beds	
Public and Semi Public Uses		
Cemeteries	None	
Day care center	2 for every facility, plus 1 for every 8 clients	
Clubs and lodges	1 for every 100 sq. ft.	3
Colleges, public or private	1 for every 3 auditorium seats plus 1 for every 5 classroom seats	3
Community service facilities	1 for every 100 sq. ft.	
Cultural institutions	1 for every 500 sq. ft. or 1 for every 8 seats, whichever is greater	3
Government facilities and offices		
Facilities and installations	1 for every 1,000 sq. ft.	1
Correctional institutions	1 for every 20 beds	1
Offices	1 for every 750 sq. ft.	1
Hospitals	1 for every bed	3
Parks and recreation facilities	1 for every 100 sq. ft. of indoor area	
Public maintenance facilities	1 for every 1,000 sq. ft.	
Public safety facilities	1 for every 250 sq. ft.	
Religious assembly	1 for every 30 sq. ft. in principal assembly area	
School, public or private	High School: 1 for every 10 classroom seats	3
	Elementary School: 1 for every 30 classroom seats	3
Commercial Uses		
1 Existing uses with a floor area of 2000 square feet or less	Exempt -No spaces required	
Ambulance services	1 for every 250 sq. ft.	
Animal services	1 for every 400 sq. ft.	
Banks and financial institutions	1 for every 200 sq. ft. of first floor area, plus 1 for every 250 sq. ft. of other floor area	2
Bed and breakfast inns	1 for every facility plus 1 for every guest room	

Building materials and services	1 for every 400 sq. ft.	4
Building maintenance services	1 for every 400 sq. ft.	
Business services	1 for every 250 sq. ft.	
Commercial meeting facility	1 for every 50 sq. ft.	3
Eating and drinking establishments		
Drinking establishments	1 for every 150 sq. ft.	
Restaurants, full service	1 for every 150 sq. ft.	
Restaurants, limited service	1 for every 150 sq. ft.	
Food markets	1 for every 150 sq. ft. where it exceeds 2,000 sq. ft.	1
Food preparation	1 for every 750 sq. ft.	
Funeral and interment services	1 for every 50 sq. ft. used for assembly	
Garden supply stores and nurseries	1 for every 400 sq. ft.	
Hotels and commercial lodging	1 for every guest room	3
Loft dwelling units	1 for every unit	
Laboratories, commercial	1 for every 250 sq. ft.	
Maintenance and repair services	1 for every 400 sq. ft.	
Medical services and clinics	1 for every 150 sq. ft.	
Offices	1 for every 400 sq. ft.	2
Personal services	1 for every 250 sq. ft.	
Personal instructional services	1 for every 250 sq. ft.	
Recreation and entertainment		
Indoor and small scale		
Bingo parlors, fitness centers, gymnasiums	1 for every 50 sq. ft.	
Billiard parlors, poolrooms, amusement arcades, handball, racquetball or tennis club facilities, ice or roller skating rinks, miniature golf courses	1 for every 250 sq. ft.	
Movie theater (three or less screens)	1 for every 5 seats	
Bowling centers	5 for every bowling lane	
Outdoor or large scale		
Sports stadiums and arenas, movie theaters (4 or more screens), racetracks	1 for every 5 seats	
Amusement and theme parks, driving ranges, swimming or wave pools, entertainment complexes, drive-in theaters, archery or shooting ranges, riding stables, campgrounds	1 for every 1,000 sq. ft.	
Retail sales	1 for every 250 sq. ft.	1
Sexually oriented business	1 for every 250 sq. ft.	
Vehicle and equipment services		
Vehicle and equipment sales and rental	1 for every 400 sq. ft. of office sales or rental area	

Car wash	See § 1419-11	
Fuel sales	None	
Vehicle repair	2 for every service bay or 1 for every 250 sq. ft., whichever is greater	
Automobile holding facilities	None	
Industrial Uses		
Production industry	1 for every 1,000 sq. ft.	4
Research and development	1 for every 750 sq. ft.	2
Warehousing and storage		
Contractor's storage	1 for every 1,000 sq. ft.	
Indoor storage	4 spaces	
Waste management	1 for every 1,000 sq. ft.	
Wholesaling and distribution	1 for every 1,000 sq. ft.	4
Transportation, Communication and Utilities Uses		
Communications facilities	1 for every 600 sq. ft. plus 1 for every 3 auditorium seats	2
Public utility distribution system	1 for every 1,000 sq. ft.	
Public utility maintenance yard	1 for every 1,000 sq. ft.	
Public utility plant	1 for every 1,000 sq. ft.	
Transportation facilities		
Airports	1 for every 250 sq. ft of terminal building	1
Heliports	None	
Railroad train yards	None	
Railroad right-of-way	None	
Transportation passenger terminals	1 for every 2,000 sq. ft.	
Truck terminal and warehouse	0--100,000 sq. ft: 1 for every 2,000 feet	4
	Over 100,000: 1 for every 4,000 sq. ft. over 100,000 sq. ft.	4
Watercraft and riverfront facilities		
Barge terminals	1 for every 2,000 sq. ft.	
Boat and ship yards	1 for every 2,000 sq. ft.	
Commercial piers and ports	1 for every 2,000 sq. ft.	
Marinas	1 for every two berths	
Marine sales and services	1 for every 400 sq. ft.	
Agriculture and Extractive Uses		
Farming	1 for every site	
Mining and quarrying	1 for every 1,000 sq. ft.	

New language underscored. Language which has been deleted is indicated by an asterisk as follows.

***I** - "Under"*

***2** - 2,000 square feet of floor area or more*

JUSTIFICATION:

On December 12, 2005 City Council indefinitely postponed the zoning text amendment Ordinances for §1425-03 Requirements for Off-Street Parking and Loading and §1425-19 Off-Street Parking and Loading Requirements as approved by the Planning Commission. The City Council directed staff to draft new text amendments that clearly state that the 2000 square foot exemption from the parking requirements is for the first 2000 square feet of all commercial uses as stated in the original motion passed by City Council on January 14, 2004. On March 3, 2006, the Planning Commission considered the Council's recommendation and determined that a 2000 square foot exemption from the parking requirements for all commercial buildings may have unintended negative impacts on neighborhoods. Councilmember Bortz and Councilmember Crowley have requested that the Planning Commission consider the above changes.

ITEM #7 Proposed text amendment to §1425-03. Requirements for Off-Street Parking and Loading.

Ms. Margaret Wuerstle, Chief Planner, presented this item.

PURPOSE:

To obtain input and direction from the Planning Commission on zoning text as it relates to the 2000 square foot parking exemption for commercial uses and to ensure that all sections of the Zoning Code dealing with this issue are consistent.

PROPOSED TEXT AMENDMENT:

§ 1425-03. Requirements for Off-Street Parking and Loading.

New off-street parking and loading spaces must be provided for uses that are established, enlarged, extended or moved onto ~~a new~~ any lot after the effective date of these zoning regulations, or of a subsequent rezoning or other amendment establishing or increasing parking or loading requirements for the uses. ~~When a new or~~ an expanded use results in an increase of more than ten percent in the number of currently required parking spaces, additional parking must be provided for the additional space based on the standards of this chapter.

Existing commercial uses with a total floor area of 2000 square feet or less as determined in §1425-17 Units of Measurement, are exempted from the off-street parking requirements. All new and existing commercial uses with a total floor area over 2000 square feet shall provide off-street parking and loading spaces as listed in schedule 19A, for floor area as determined in §1425-17 Units of Measurement. Existing commercial uses that are enlarged, or extended shall provide off-street parking and loading spaces for the floor area over 2000 square feet as listed in Schedule 19A for floor area as determined in §1425-17 Units of Measurement.

JUSTIFICATION:

On April 4, 2005 the Planning Commission made recommendations to City Council on text changes to the Zoning Code regarding the 2000 square foot parking exemption for commercial uses. On December 12, 2005 the City Council indefinitely postponed all text amendments dealing with this issue. A new text

amendment has been proposed. This section has been revised to make it consistent with other sections of the Zoning Code dealing with the 2000 square foot parking exemption for commercial uses.

DISCUSSION:

Ms. Wuerstle gave a brief overview of items #6 and #7. She also pointed out that the new wording reads that the exemption is for existing buildings.

Ms. McCray commented that the wording in both amendments tie together very well. Ms. Hackner added that “we are back to where we wanted to be”.

Motion:	Ms. Hankner moved approval of Items #6 and #7.
Second:	Ms. McCray
Ayes:	Mr. Tarbell, Mr. Faux, Ms. Hankner and Ms. McCray
Nays:	None, motion carried

ITEM #8 Proposed text amendment to §1425-17. Units of Measurements

Ms. Margaret Wuerstle, Chief Planner, presented this item.

PURPOSE:

To obtain input and direction from the Planning Commission on zoning text as it relates to parking requirements for outdoor eating and drinking establishments.

PROPOSED TEXT AMENDMENT:

§ 1425-17. Units of Measurement.

The following rules apply to the determination of required parking:

(a) **Floor Area.** In the case of uses where floor area is the unit for determining the required number of parking spaces, the floor area includes all areas employed by the use including outdoor eating and drinking areas except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouses housing ventilators and heating systems and similar uses.

(b) **Hospital Bassinets.** In hospitals, bassinets are not counted as beds.

(c) **Places of Public Assembly.** In places of public assembly that provide benches, fixed or movable seating and assembly areas the requirements are as follows:

(1) In stadiums, sports arenas and other places of assembly in which those in attendance occupy benches or other similar seating facilities, each 18 inches of such seating facilities will be counted as one seat for the purpose of determining the parking requirements of the Cincinnati Zoning Code.

(2) In cases where a place of assembly has both fixed seats and open assembly area, parking requirements will be computed separately for each type of seating area and added together.

JUSTIFICATION:

On April 15, 2005 the Planning Commission made recommendations to City Council on text changes to the Zoning Code regarding outdoor eating and drinking areas. On December 12, 2005 the City Council indefinitely postponed all text amendments dealing with this issue. A new text amendment has been proposed. This section has been revised to make it consistent with other sections of the Zoning Code dealing with outdoor areas and to ensure that outdoor areas are including in determining the required number of parking spaces.

DISCUSSION:

Ms. Wuerstle pointed out that this amendment ensures that outdoor eating and drinking areas are included in the calculations used to determine the required number of parking spaces.

Motion: Ms. Hankner moved approval of Item #8.
Second: Ms. McCray
Ayes: Mr. Tarbell, Mr. Faux, Ms. Hankner and Ms. McCray
Nays: None, **motion carried**

ITEM #9 An update on a request to create a separate zone for Parks and Recreation Areas.

Ms. Katherine Keough-Jurs, Senior Planner, presented this item.

GENERAL INFORMATION:

Petitioner: Cincinnati City Council

Purpose: To protect Parks and Recreation Areas from development.

BACKGROUND:

On February 13, 2004, a new zoning code for the City of Cincinnati went into effect. Like the old code, the new code did not have a special zoning district for parks and recreation areas. Rather, parks were listed as permitted uses in all residential zones and City-owned parks or recreation areas were zoned to be consistent with the surrounding zoning, or were zoned SF-20 Residential Single Family as is the case with the larger parks.

When the new code was in the process of being approved by City Council, a group of representatives from various Community Councils voiced their concern about the new code not having a separate district for parks and recreation areas. A primary concern was that the City could sell park, recreation, or open space property for development without adequate notice to the surrounding community. Because staff and community members had spent many years writing, reviewing and editing the new zoning code, City Council approved the new code without the separate district for parks and recreation areas and directed Planning staff and the Planning Commission to study and report back to City Council on the creation of a public park and recreation zoning designation for land owned by the Park Board or Recreation Commission.

EXISTING CONDITIONS:

Many of the larger parks and recreation areas, such as Eden Park, Ault Park, Burnet Woods, Washington Park, California Golf Course, and Alms Park, are currently zoned SF-20. Other parks, recreation areas, or playfields, such as Pleasant Ridge Park (SF-6), Owl's Nest Park (RMX), Ziegler Playfield (CN-P), Reeves Golf Course (ML) and Bicentennial Commons (RF-R and DD) are zoned to be compatible with surrounding zones.

PUBLIC COMMENT:

A public Staff Conference was held on May 25, 2005. Notes from the Staff Conference are attached. Attendees voiced their concern about park or open space property being sold without proper public notification, and their concern that the City may prioritize the need for funds over the importance of preserving greenspace. Although the Park Board and Recreation Commission do not sell or even make improvements to a park or recreation area without getting gaining Community Council support, it was suggested that this is done only out of courtesy and is not policy. The Park Board and Recreation Commission also have a policy of no net-loss of greenspace, meaning that each acre of park or recreation land that is redeveloped must be replaced in the same neighborhood at a 1:1 ratio, minimally. Some community members present questioned whether this is an adopted City policy. It was also mentioned that Community Councils are consulted with, but there may not be adequate outreach to surrounding property owners who may not participate in Community Council, or who cannot attend the meeting when the property is discussed. Staff also held a special update meeting on March 14, 2006 to present and gain input on the three options presented below.

ANALYSIS OF THE PROPOSED CHANGE:

The first step of the process was to research other cities' zoning codes. While each code handled the specifics of their parks and recreation areas differently, there were four broad types of districts:

1. No Special District. In these cities, parks and recreation areas are allowed in all zoning districts or in certain districts, like the City of Cincinnati's current code. Dayton, Ohio and Lexington, Kentucky are two cities that address park and recreation areas in this manner.
2. Public Land Protective District. This type of district often regulates a specific geographic area, such as a formal square or riverfront district. Cleveland, Ohio uses this type of designation.
3. Special Purpose District within Base Zoning. This is a separate zone within the code for recognized parks. The guidelines detail permitted and conditional uses and may or may not contain other development regulations such as setbacks or maximum building heights. Cities with this type of designation include: Pittsburgh, Pennsylvania; Toledo, Ohio; Chicago, Illinois; Rochester, New York; Covington, Kentucky; and, Erlanger, Kentucky.
4. Parkland Dedication District. Featured primarily in codes of communities that are still expanding, this guideline mandates a set-aside for parkland in new developments. Columbus, Ohio and Indianapolis, Indiana have this regulation in their codes.

When considering which manner of zoning is most appropriate for the City of Cincinnati, there are three potential options:

Option #1: Make No Changes to the Code Text

This option assumes that the real issue is notification. Instead of making changes to the Zoning Code, Option #1 proposes an alternative solution, which is to adopt major changes to the notification policies of the City Planning Commission, the Park Board, and Cincinnati Recreation Commission.

Improvements to the notification policies could include: more wide-spread coordinated report circulation; presentation and discussion of sales of park or vacant land at CPC instead of listing them on the consent agenda; mailing notice to adjacent property owners whenever CPC discusses any Park Board or CRC property; and review and revision of Park Board and CRC notification procedures. City Planning Commission, the Park Board, and the Cincinnati Recreation Commission would be required to adopt these changes separately.

This option assumes that all parks would remain in their current zones of SF-20 for larger parks, with smaller parks and recreation areas zoned consistently with surrounding properties. Although there would be some

degree of protection for the parks zoned SF-20, there are parks and recreation areas located in, and therefore zoned for, commercial and industrial uses that may be in danger of being more easily converted to other uses. If it was determined that *all* parks and recreation areas were to have been zoned SF-20, regardless of size, then it would be necessary to make extensive map amendments to change the zoning on all of these properties to SF-20.

Option #2: Create a New Zoning District

This option would involve the creation of an entirely new zoning designation, including the preparation of text with development standards and map amendments for all public parks and recreation areas in the City. The new designation would include only recognized public parks and recreation areas; it would not include semi-public or private land. It is assumed that any development standards must be written in a way that would not hinder or over-regulate the activities of the Park Board or CRC.

If this option were selected, Staff would convene a temporary committee of representatives from the Park Board, Cincinnati Recreation Commission, the Park Advisory Boards, residents, and other interested parties, to assist in the preparation and review of development standards for this new district. Staff would also need to apply the new zone to all public park and recreation properties in the City, resulting in extensive map amendments. Upon completion, the text changes and map amendments would need the approval of City Planning Commission, the Park Board, the Recreation Commission, and City Council.

As it would provide an additional layer of regulation, notification, and review as part of a zone change process, this option has the potential for providing the most protection to parks and recreation areas. However, it is important to note that zoning alone cannot guarantee that public parks or recreation areas will never be redeveloped. A separate zoning designation will only require any future developer to obtain approval for a zone change before redevelopment can take place.

Option #3: Create a New Overlay

A third option considered was to create a new overlay district. In the overlay district, the underlying zoning would still serve as the primary guide, but the overlay could delineate special development guidelines and require additional notification and review. The overlay would include all public parks and recreation areas, and may include some semi-public property, depending on the specifics of the guidelines.

Again, it is assumed that any development standards would be written in a way that would not hinder or over-regulate the activities of the Park Board or CRC. If this option were selected, Staff would convene a temporary committee to assist in the preparation and review of development standards for the overlay. Extensive map amendments would also be required. Upon completion, the text changes and map amendments would need the approval of City Planning Commission, the Park Board, the Recreation Commission, and City Council.

This option was initially an attempt to include some semi-public park and recreation property, without creating a district that was overly complicated or legally indefensible. However, the overlay concept provided more questions than answers, proving it too convoluted and legally murky for serious consideration. Also, after much discussion, it was determined that there was less concern over the semi-public space than originally presumed.

CONCLUSIONS:

1. There is a need to provide some level of protection to the City's public parks and recreation spaces.
2. Although the crux of the issue initially appeared to be a need for better notification, that alone is not an ideal solution.
3. An overlay district would be too complicated and legally indefensible.
4. A separate designation for parks and recreation areas is the best way for the zoning code to assist in the preservation of parkland.

5. The next step in the process is to convene a temporary committee to prepare the district guidelines and map amendments before approval by City Planning Commission, the Park Board, the Cincinnati Recreation Commission and City Council.
6. It must be noted that although a separate zone would provide a modicum of protection, it does not guarantee that parks or recreation areas will never be redeveloped.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommends that the City Planning Commission take the following action:

Direct Planning Staff to move forward with the creation of a separate zoning designation for public parks and recreation areas.

DISCUSSION:

Ms. Keough-Jurs gave an update of the efforts to protect parks and recreation areas from development. She provided a review of the process staff used to develop three potential options to achieve this goal. After further study, Ms. Keough-Jurs said that the staff determined that Option #2 would best protect these public areas.

Mr. Faux indicated that during the zoning code rewrite process, the Commission had made a commitment to look into this issue.

Mr. Shuckman commented that he appreciates that the Park Board had been and will be included in this process. He further said that he hopes that this new zone will not make it more difficult to acquire or develop park land or that it added the to bureaucracy.

Marvin Krause, North Avondale Neighborhood Association supported item #9 and volunteered to be on the committee that would prepare the guidelines.

Geri Krause, Cincinnati Neighborhood Zoning Task Force, commended the sensitivity shown by staff in this matter. The Zoning Task Force supports approval of this recommendation.

Eric Russo, Director of Hillside Trust and Cincinnati resident, commended staff's work and said he supports the recommendation to create a new zoning designation for the parks.

Motion:	Ms. Hankner moved approval of Item #9.
Second:	Ms. McCray
Ayes:	Mr. Tarbell, Mr. Faux, Ms. McCray and Ms. Hankner
Nays:	None, motion carried

ITEM #10 An ordinance authorizing the sale of Kleine Alley between McMillan and Calhoun Streets in the Heights, which real property is no longer needed for any municipal purpose.

Ms. Caroline Kellam, Senior City Planner presented this report.

BACKGROUND: Clifton Heights Community Urban Redevelopment Corporation (CHCUTC) has asked to purchase Kleine Alley between McMillan and Calhoun Street for use as part of a residential development of 240 owner-occupied housing units. Even though an appraisal of the property showed that the value of the property is \$20,000, the alley will be sold for \$1.00 because of the benefits to the City of the new housing development.

An abutting property owner, Equilon Enterprises, LLC, has not consented to the sale of this property. Therefore, notice of this ordinance must be published in a newspaper of general circulation for six consecutive weeks prior to any final Council action. The Clerk of Council will publish the notice after the Planning Commission approves the sale. After the six-week notice period, City Council will take final action on this ordinance.

RECOMMENDATION

The staff of the City Planning Department recommends the City Planning Commission take the following action:

Authorize the sale of Kleine Alley in the Heights, which real property is no longer needed for any municipal purpose.

DISCUSSION:

Ms. Kellum indicated that normally this item would appear on the consent agenda. It was made a discussion item due to the fact that the abutting property owner has not consented to the sale of the property.

Ms. McCray questioned the number of abutting property owners. Ms. Kellum clarified the actual names and numbers of abutting owners.

Motion:	Ms. McCray moved approval of Consent Item #10.
Second:	Mr. Tarbell
Ayes:	Mr. Faux, Mr. Tarbell, Ms. Hankner and Ms. McCray
Nays:	None, motion carried

ITEM #11 Park Board Report on Central Riverfront Park.

Mr. Steven Schuckman, Superintendent, Planning & Design, Cincinnati Parks, presented this item.

The proposed rezoning of The Banks to a Planned Development District will be considered at a Public Hearing before the Economic Development Committee on April 17. The proposal uses the original plan for The Banks and the Central Riverfront Urban Design Plan as its template. This plan would form the conceptual baseline on which future development plans for The Banks would be judged. There are two blocks within the plan for The Banks, and which are also reflected in the Central Riverfront Urban Design Plan, which conflict with the approved plan for Central Riverfront Park. The plan for these two blocks (blocks 10 and 12) should be changed so that they are consistent with current plans for the park.

The approved, 1999 Central Riverfront Park Plan is the plan which Congress has authorized the US Army Corps of Engineers to follow to design the park. It is also the basis for the City's current Federal request to authorize park construction and to appropriate the first \$8 million of Federal funds for park construction. This plan is the one which was previously approved by the Park Board, Recreation Commission, Urban Design Review Board and the City Planning Commission.

The plan for The Banks was developed after the riverfront park plan. In the last six years, the park plan has evolved, as has the thinking on the original plan for The Banks. In the Park Board's work with the Corps of Engineers, 3CDC, the Port Authority, the City administration, the County, and various stakeholders, it became clear that construction of restaurants and retail in block 12 as per the Banks plan was not appropriate. Any buildings at this location would have to be built on structure, raised at least 12' above Mehring Way to avoid seasonal flooding. This would make servicing and access difficult and

would likely be a visual intrusion for the park. Furthermore, this property was donated to the Park Board as park land and could not have commercial construction built on it. The Banks plan also proposed a "boardwalk", crossing Mehring Way on a diagonal at least 15' above grade, connecting to more commercial on Block 10. The Park Board, City and 3CDC agreed several years ago that the original boardwalk concept was inappropriate and not likely to succeed economically. The boardwalk crossing Mehring would be a visual intrusion and the retail too far removed from the rest of The Banks to be a successful draw for pedestrian traffic.

The Park Board on March 16, 2006 approved the updated Central Riverfront Park Plan, which reflects all of the design changes since the plan was first approved in 1999. The intent has been to also modify the Central Riverfront Urban Design Plan. Those changes should be made now, prior to any actions which would alter the zoning of the riverfront.

DISCUSSION:

Mr. Shuckman presented an update on the Central Riverfront Park Plan, which was approved by the Cincinnati Park Board on March 16, 2006. He highlighted some of the changes to the original plan that was first approved in 1999.

Ms. Hankner asked for clarification of the recommendation. Ms. McCray concurred. After discussion by Chad Munitz and Steve Shuckman it was decided that the Commission should accept the report submitted by Steve Shuckman.

Motion:	Ms. Hankner moved to accept the report
Second:	Mr. Tarbell
Ayes:	Mr. Tarbell, Mr. Faux, Ms. Hankner and Ms. McCray
Nays:	None, motion carried

Mr. Jim Tarbell moved to direct staff to send a correspondence to the Chairman of the Economic Development Committee explaining the inconsistencies between the Central Riverfront Park Plan and requesting that the Economic Development Committee refer The Banks zone change ordinance back to the Planning Commission for the purpose of incorporating the updated Central Riverfront Park Plan into The Banks Concept Plan for the Planned Development. The motion was seconded by Ms. Hankner.

Motion:	Mr. Jim Tarbell moved to direct staff to send a correspondence to the Chairman of the Economic Development Committee explaining the inconsistencies between the Central Riverfront Park Plan and requesting that the Economic Development Committee refer The Banks zone change ordinance back to the Planning Commission for the purpose of incorporating the updated Central Riverfront Park Plan into The Banks Concept Plan for the Planned Development.
Second:	Ms. Hankner
Ayes:	Mr. Tarbell, Mr. Faux, Ms. Hankner and Ms. McCray
Nays:	None, motion carried

ADDITIONAL BUSINESS:

Ms. Hankner informed the Commission that she will be moving outside the county. The meeting on April 21, 2006 will be her last meeting. She will provide a recommendation for a replacement.

ADJOURN

Motion: Ms. Hankner motioned to adjourn.
Second: Ms. McCray
Ayes: Mr. Faux, Mr. Tarbell, Ms. Hankner and Ms. McCray
Nays: None, **motion carried**

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____